

OFFICE OF THE ATTORNEY GENERAL

84-00168



BEFORE CITING SEE OPINION TO
THOMAS M. LITTLE DATED 4-1-99.

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FEB 17 1984

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Honorable Miles Prater
Mayor, Town of Millport
P. O. Box M
Millport, Alabama 35576

Fire Departments - Competitive
Bid Law

Purchase of equipment by
volunteer fire department with
funds from private sources is
not subject to the Competitive
Bid Law.

Dear Mayor Prater:

Reference is made to the request by the Town of Millport for an opinion from the Attorney General regarding purchases by the volunteer fire department of that Town.

The following question was asked:

"We have a voluntary fire department. They elect their officers with the approval of the council. The Town pays the insurance, maintenance, gas and fire equipment when needed. They have a checking account the department controls, the town does not write checks on this account. All monies from road blocks, donations and grants (both government and private) go into this account.

The fire department has ordered \$4,455.00 of radio equipment. Money for the equipment was raised through

Honorable Miles Prater
Mayor, Town of Millport
Page Two

donations and a grant from Weyerhaeuser Company. There will be no monies out of town funds spent on the equipment. There will be two base stations and one of these will be installed in City Hall.

My question, "Is the voluntary fire department required to comply with the competitive bid law if funds are not State or Federal grant monies? If they have violated the bid law, what steps should be taken."

The question is to be answered in the negative.

The law which requires competitive bidding for local governmental agencies is found at Code of Alabama 1975, Section 41-16-50(a)(1). It provides:

All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property involving \$2,000.00 or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; . . .

Honorable Miles Prater
Mayor, Town of Millport
Page Three

A volunteer fire department is not among the agencies listed in the above provision for which competitive bidding is required. Furthermore, because the equipment in question will not be purchased with municipal or state funds the Attorney General is of the opinion that competitive bidding is not required for the purchase of that equipment.

It must be noted that if any equipment is purchased by the town for the volunteer fire department or if municipal or state funds are used for a purchase of over \$2,000.00 by that department, there must be compliance with requirements of the Competitive Bidding Law.

I hope that your questions have been adequately answered.

If our office can be of further assistance, please do not hesitate to let us know.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By:



LYNDA K. OSWALD
Assistant Attorney General

LKO/dn